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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/554,025	06/15/2000	CHRISTOPH DORR	TRW(EHR4846	6556

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TAROLLI SUNDHEIM COVELL
TUMMINO & SZABO
1111 LEADER BUILDING
CLEVELAND, OH 44114-1400

EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/554,025

Applicant(s)

DORR, CHRISTOPH

Examiner

Ernesto Garcia

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-23 is/are allowed.
- 6) ☐ Claim(s) 11, 14 and 18 is/are rejected.
- 7) ☒ Claim(s) 12, 13 and 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the British patent, 1,260,144 (see marked-up attachment).

Regarding claim 11, the British patent discloses in Figure 3 a ball-and-socket joint having a joint pin **10**, a joint housing **18**, a bearing shell **78**, and a metal ring **A7**. The joint pin **10** is provided with a joint ball **16**. The bearing shell **78** is inserted into the joint housing **18**. The metal ring **A7** is embedded in the joint housing **18**. The metal ring **A7** has a radially inwardly bent end segment **76** located in an area of an opening **A1** in the joint housing **18**. An inside diameter **A5** of a cylindrical center part of the metal ring **A7** corresponds to an outside diameter of the bearing shell **78**. However, the British patent fails to disclose the joint housing **18** being a plastic joint housing. Applicant is advised that, within the general skill of a worker in the art, selecting a known material on the basis of its suitability for the intended use is a matter of obvious

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design choice. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the joint housing out of plastic therefore making a plastic joint housing. *In re Leshin*, 125 USPQ 416.

Regarding claim 14, the cylindrical center part ends in an area of an equator of the joint ball **16**.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the British patent, 1,260,144, in view of Kindel, 3,530,495.

Regarding claim 18, the British patent, as modified above, fails to disclose the joint housing **18** provided with a ring groove in the area of the opening **A1**. Kindel teaches in Figure 1a joint housing **1** provided with a ring groove (unmarked) in an area of an opening **1b** to alternatively attach a sealing bellows **5** to the joint housing **1**. Therefore, as taught by Kindel, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place a ring groove in an area of an opening of a housing to alternatively attach a sealing bellows to the housing.

Allowable Subject Matter

Claims 20-23 are allowed.

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Claims 12, 13 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 12, the prior art of record does not disclose or suggest a ball-and-socket joint comprising a metal ring having a radially outwardly angled flange that is extrusion-coated with material of a joint housing;

regarding claim 13, this claim depends from claim 12;

regarding claim 15, the prior art of record does not disclose or suggest a ball-and-socket joint comprising a bearing shell including a pin-side area provided with slits; Morin disclose a ball-and-socket joint comprising the bearing shell as claimed, but there is no reason to modify or combine the British patent with Morin;

regarding claims 16 and 17, these claims depend from claim 15; and,

regarding claim 20, the prior art of record does not disclose or suggest a ball-and-socket joint comprising a metal ring having a cylindrical portion protruding from an opening of a joining housing and forming a passage receiving a bearing shell.

Response to Arguments

Applicant's arguments with respect to claims 11, 14 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



**Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3600**

E.G.

September 18, 2002

Attachment: one marked-up copy of the British patent, 1,260,144.

